A STUDY OF LABOR STRIKES IN THAILAND

Chamlong Srimuang

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A STUDY OF LABOR STRIKES IN THAILAND

by

Chamlong Srimuang

June 1974

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In this regard, preparation requires a study of labor strikes. That is why it becomes the topic of this paper.

A Study of Labor Strikes in Thailand

by

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Submitted in partial fulfillment of the
requirements for the degree of

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from the

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ABSTRACT

Thailand's administrative system was transformed from absolute monarchy to democracy in 1932. It appeared that the Thais just had the real democracy after the overthrow of military government in October 1973. Insurgent students led the brief revolt against military government that had ruled Thailand for many years. The new civilian government was named by the king. Such overthrow was unexpected, the Thais have not prepared themselves to live with the real democracy. Then came the problem, many people claimed their rights, requested what they needed. When bargaining failed, they engaged in strikes. Labor strikes spread almost all over the country. Though they are not in critical condition it appears to be the signal of the serious one in the future.

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I. INTRODUCTION

Strikes are extremely complex. There are so many things to be involved with. Due to limitation of time and data, this paper attempts to study only a broad picture of labor strikes in private sector. (Theoretically speaking, public employees are prohibited to strike.) The emphasis is placed on chapter III, the strike mechanism.

Chapter II presents an overview of Thailand, beginning with a brief explanation of its geography and population and then going on to a discussion of custom which has some significance to causes of strike. Administrative system is presented to help the understanding of judicial system and labor relations law. Discussion of welfare portrays the background to be taken into account before proceeding to employees' dissatisfaction in next chapter.

Chapter III relates some of studies presented in chapter II to the strike mechanism. Most of this chapter are discussed in term of comparative study between Thailand and the United States. History of labor strikes is the starting point, followed by the heart of strike mechanism, the steps of action which enable the readers to visualize the precedence of various steps. Unions, employees' dissatisfaction and the grievance procedure are discussed in great detail with the support of some statistics and labor relations law. This chapter ends up with the presentation of

a variety of weapons used by employer, employees and the government.

In conclusions, the author points out the degree of labor strikes in Thailand at the time of this writing and how to prepare to cope with it in the future.

II. AN OVERVIEW OF THAILAND

A. GENERAL CHARACTERISTICS

1. Geography and Population

Thailand, formerly Siam, situated in the heart of Southeast Asia between the 5th and 21st north parallels and the 97th and 106th east meridian.[1] It has an area of approximately 200,000 square miles make it almost as large as France and about four-fifths the size of Texas. The country has common frontiers with Laos on the north and east, with Burma on the north and west, and with Cambodia on the south and east. To the south of the Thai mainland and to the east of peninsular Thailand lies the Gulf of Thailand.[2] (See Appendix A.) Thailand is the only territory of Southeast Asia which did not come under Western imperial control.[3]

The country has a population of 34,152,000 people. (See Appendix B.) The Thais are Mongoloid in race, Indianized in culture, and today, as is true of most peoples the world over, firmly committed to Western ideals of material and

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[1]David A. Wilson, Governments and Politics of Southeast Asia, p. 4, Cornell University Press, 1959.

[2]George L. Harris and others, U.S. Army Area Handbook for Thailand, p. 31, Special Operations Research Office, The American University, 1963.

[3]William J. Siffin, The Thai Bureaucracy, p. 3, East-West Center Press, 1966.

technological progress. The Thais are agriculturists. Their principal crop is rice.

2. Custom

Thai custom is very interesting. Concerning labor relations, some important aspects about Thai custom should be considered as the followings.

a. Attitude Towards Works

Fiedler and his associates describe Thai attitude in this regard as: "They accept their positions in life passively and do not think their jobs as an important part of their life."[4] It is generally accepted that this attitude appears in many Asian countries. Thus the quality of Asian employees cannot be compared with American or European employees.

b. Conception of Time

Thais have a different conception of time. The notion that "time is money" and a use of a closely schedule are not the Thai custom. Life is relaxed for the Thais. When a conflict or problem arises, the philosophy is "forget about it."[5] This conception was also supported by Phillips' comment as follows. "The psychologist commended that the Thai in general were hospitable people; that the

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[4]Fred E. Fiedler and others, Thai Culture Assimilator Book I, p. 1-4, Group Effectiveness Research Laboratory, Department of Psychology, University of Illinois, 1967.

[5]*Ibid.*, Book II, p. 40-7.

tempo of their lives was slow; that they possessed considerable equanimity."[6]

c. Approaches for Solving Interpersonal Conflicts

"The Thais employ indirect approaches to solving interpersonal conflicts and problems, while Americans are apt to use a direct approach."[7] Most of the Thais do not like to implement direct approach in any sense, to disagree, to criticize or to discuss. Fiedler and his associates described more detail: "The Thais do try to avoid any open disagreement in a face-to-face situation. They do not like to say "no" or to be told "no"."[8]

d. Employer-employee Interpersonal Relationship

Fiedler and his research team described this aspect very clearly: "The boss in Thailand has a somewhat different position than that in the West.....according to the Thai custom, an employer is more or less obligated to his employees in the sense a parent is to a child. The boss is someone they can look up to and, consequently, to turn to when problems arise."[9] This close relationship calls for the employer's involvement in personal affairs, both on the job and at home. It is important for the employer to accomplish this function if he wants to get the job done well.

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[6]Herbert P. Phillips, Thai Peasant Personality: The Patterning of Interpersonal Behavior in The Village of Bang Chan, pp. 46-47, Berkeley, University of California Press, 1970.

[7]Fred E. Fiedler, and others, *op. cit.*, book II, p. 16-7.

[8]*Ibid.*, p. 11-3.

[9]*Ibid.*, p. 21-3.

It is obvious that the last two important aspects about the Thai custom mentioned above are significant to causes of strikes which will be discussed later on.

B. POLITICAL SYSTEM

The government in 1974 was a constitutional monarchy, which it had been since the absolute monarchy of previous times was overthrown by a bloodless coup in 1932. Though a series of further coups took place and the 1932 constitution had been revised eight times, the basic constitutional form remained unchanged, although during some periods the constitution was not fully implemented.[10] Under the constitution, there are separate and clearly distinct executive, legislative and judicial establishments through which the king exercises his limited powers.[11] (See Appendix C.)

1. The Executive Establishment

The executive branch makes and implements policy and supervises the operation of the judiciary. The branch is organized into eleven ministries: interior, defense, foreign affairs, finance, industry, economic affairs, communications, public health, justice, education, and agriculture.

2. The Legislative Establishment

The legislative branch, consists of a bicameral National Assembly. The upper house or the Senate, is composed of approximately three-fourth of the number of the

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[10] John W. Henderson, and others, Area Handbook for Thailand, pp. VII, 2; U. S. Government Printing Office, 1971.

[11] George L. Harris, and others, *op. cit.*, p. 308.

of the popularly elected lower house - the House of Representatives - and is appointed by the king on the recommendation of the government in power. As it was mentioned above, the executive is separate from the legislative body, the prime minister and other ministers are barred from membership in either house.[12]

3. The Judicial System

There are three levels of courts: the courts of first instance, the Court of Appeal, and the Supreme Court. The Court of Appeal hears appeals from all the courts of first instance throughout the country. The Supreme Court is the highest court of appeal. In addition, it has jurisdiction over election disputes. Cases can be initiated either by the public prosecutors, or by the injured person. There is no provision for trial by jury.[13]

At the time of this writing, the present government was named by the king after the overthrown military government. The new constituion was scheduled to be enacted in August 1974 and general elections held soon after.

C. LABOR RELATIONS LAW

The first Labor Act was approved in 1956. It limited hours of work; regulated working conditions for women and children; provided for sick leave, workmen's compensation,

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[12]John W. Henderson, and others *op. cit.*, pp. 169-170.

[13]*Ibid.*, pp. 180-182.

and severance pay; and established standards for industrial hygiene. The 1968 Constitution opened the door for greater Thai participation in international labor advancement. Thailand had ratified 3 of the 128 ground rules of the International Labor Organization (ILO), in 1968 the government agreed to 3 more concerning weekly rest, equality of treatment, and minimum age for mining work.[14]

In 1972 the previous legislation was repealed by directives of the Revolutionary Party, on the enactment of National Executive Council Announcement No. 103 dated March 16, 1972. That Announcement was generally known as the New Labor Bill. It was viewed by many people as a highly admirable move by the government authorities to provide Thai labors with privileges. It was also regarded as the first step toward reviving trade unionism in order to prepare labor for its important role in the future.

The labor law, however, no matter how well it was drafted, is practically meaningless if both employers and employees are not fully prepared to take advantage of what the law had to offer. Labors must be informed enough to know their rights and limitations otherwise the privileges they were entitled to will be of little use to them. The Bangkok Post Daily Newspaper reported about the unpreparedness of the employees as the followings: "Even for those workers who have lived and worked in the metropolis for quite some time and have acquired some skills, it is likely

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[14] *Ibid.*, pp. 276-277.

that they also are unprepared for the new law. Recent reports on the result of interviews with lower and middle-level skilled workers suggest that many fear that if they insist on their rights the employers will fire them. This is a good indication as any that workers, even those with some skills, still have little understanding of the new law."[15]

Likewise, on the management side, unless the employers understand that the purpose of the labor law is to provide mutual benefit, for both sides, it can result in a situation whereby the employers start to look for loopholes within the law or refuse to comply with them.

The National Executive Council Announcement No. 103 empowered the Ministry of Interior to issue another announcement dealing with labor protection and labor relations. Some of those will be discussed later on in great detail.

D. WELFARE

1. Public Welfare

According to Southeast Asian standards, the level of welfare in Thailand is, in general, moderate. Most people are adequately fed, clothed and housed; health conditions and education are improving. Unemployment is low. (See Appendix D.) Unemployment is not a problem in the relatively small wage-earning segment of the population, while the farming majority has adequate land for its needs. By Western

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[15] Bangkok Post Daily Newspaper, May 12, 1972; p. 3, Bangkok Post Inc. Bangkok, Thailand.

standards, incomes are low. (Appendix E shows the wage rates in Bangkok which are higher than other parts of the country.) But, a tolerable level of living can be achieved by nearly everyone willing to work, and most Thai peasants are able to spend small cash surpluses on luxury goods.

"Traditionally the individual relied on close relatives, friends or neighbors or turned to the local Buddhist temple in time of need. Systematic welfare activity by the government goes back only to 1940, when the Department of Welfare was organized in the Ministry of the Interior. Twenty years later the authorities envisaged spending nearly 12 percent of the total outlay for projects of the Six-Year Economic Development Plan (1961-66) for health and welfare projects."[16]

Since 1958, government welfare efforts have emphasized on the construction of public housing in Bangkok and the community development.

a. Housing

The government-financed building program in urban areas was begun in 1948, but in late 1962 much of the population of Bangkok and other cities still lived in crowded dwellings. The Department of Public Welfare, the government Housing Project Fund and the government Housing Bank constructed public housing units for rent or for sale on a rental-purchase plan, and have made loans to private

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[16]George L. Harris, and others, *op. cit.*, p. 263.

persons to enable them to build or improve their own dwellings.[17]

b. Community Development

In the regions other than the Central Region, living conditions are low. Roads are poor, electricity is lacking and water is scarce. Modern medical care is unavailable, and the relative incidence of malaria, hepatitis, jaundice, respiratory ailments and leprosy is high. Since August 1962, the government has started a plan to bring health and community services to the people of those regions. Mobile units were sent in to ascertain the most critical needs of the villagers, render on-the-spot aid. The so called Mobile Development Units received direction and support from the Ministries of Public Health, Agriculture, Cooperatives, Education, Defense, Communications and Industry, and from the Public Relations Department of the Office of the Prime Minister. Coordinating responsibility rested with the Committee for National Safety, of which the Prime Minister is Chairman.[18]

2. Social Welfare

Harris and his research team described social welfare of Thailand as the followings. "The sick, aged and destitute are usually taken care of by members of their families, nearly everyone having some relative to whom he

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[17] *Ibid.*, pp. 269-270.

[18] *Ibid.*, pp. 271-272.

can turn in an emergency, or who will feed and shelter him should he be unable to provide for himself. In rural areas, needy persons also are often assisted by wealthy residents of the village in which they live. The village WATS[19] are another source of assistance."[20] The Department of Public Welfare, which is a department of the Ministry of Interior is the key governmental agency for social service. There are also a number of voluntary private charitable and religious groups to carry on welfare activities. Assistance from abroad has been provided by the United Nations Children's Fund (UNICEF); the World Health Organization (WHO); the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the USOM.[21]

There has been a system of family allowances since the early 1950's, which provides benefits for large families, for widows with children, and for destitute families. The Social Insurance Act was promulgated in 1954, but until the time of this writing it has still not been put into effect.

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[19]WATS are Buddhist temples in Thailand.

[20]*Ibid.*, p. 268

[21]*Ibid.*, p. 271.

III. LABOR STRIKE MECHANISM

Most people have realized the importance of strikes. Lowenstern, the associate editor of The Machinist described in his article "Negotiating for Settlements-Not Strikes" as follows. "Nobody likes a strike. Yet, no one who believes in our free enterprise system-a system firmly rooted in the concepts of freedom and democracy-seriously suggests that workers should not have the right to strike. Strikes are a safety valve. The freedom to strike in protest with one's fellow employees is the principal freedom that distinguishes a free man from a slave. Many of the benefits we enjoy today were won because union members have had-and have used-their right to strike."[22] It is generally accepted that, without the right to strike employees find it difficult to win peaceful settlements at the collective bargaining table. The threat to strike puts a deadline on negotiations. And, where differences exist between employers and employees, the rush to meet the deadline brings about compromises, on both sides, that might otherwise not be possible.[23]

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[22]Henry Lowenstern, "Negotiating for Settlements-Not Strikes," Your Union Today 1963, p. 14, International Association of Machinists, AFL-CIO, 1963.

[23]"Why Strikes?" AFL-CIO Handbook, Publication No. 41, p. 9, revised September, 1962.

It becomes apparent that strikes in Thailand at the time of this writing is analogous to the beginning of strikes in The United States of America in the past. So, in order to understand mechanism of strikes and to prepare to cope with them in the future, the followings should be studied by comparison strikes in Thailand with those in U.S. in certain extent.

A. THE HISTORY OF LABOR STRIKES

In recognition of their importance, many authors have confirmed that strikes should not be eliminated, they should be used to maximize the constructive agreement. As stated by Straus, the president of the American Arbitration Association: "Our objective is to maximize the chances for a constructive agreement, not to eliminate the strike, for to do so would replace the concept of industrial peace with something unattainable in a free society."[24] However, there is a long history of attempts to remove strikes. But, they have occurred until the present time.

Theoretically speaking, strikes hardly occur in Thailand due to the indirect approaches and the employer-employee close relationship, mentioned in chapter II section 2c and 2d. Occasionally, employer tried to maximize his profit regardless of the custom of employer-employee close relationship, he did not take care of his men, he was not

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[24]Donald B. Straus, "How to Stop Strikes by Really Trying," Personnel Journal, v. 49, p. 829, October 1970.

someone that employees could look up to when the problem arose. There were limits to employers' tolerence. They had to employ direct approaches instead of indirect ones. Collective bargaining was called, if both parties failed to reach an agreement then came strikes.

It may be wondered why most people have heard so little about the history of labor movement in Thailand. Unfortunately, Thai schools like those of other countries neglect labor's struggles when they teach history. And Thai newspapers have ignored labor's activities unless there was a major event like a strike. In addition, there have been few strikes in Thailand. The followings are some history searching from books, newspapers and statistics of the Department of Labor.

Until the overthrow of the absolute monarchy in the early 1930's, there were few strikes in Thailand. Most of them were among the Chinese secret societies. However, there were many strikes occurring in the early years of the constitutional regime and the government was drawn into mediating of striking Bangkok tramway workers, Chinese rickshaw pullers, rice-mill workers and railway employees. Though the government did not hesitate to employ police force against strikers, it was apparent that the government also listened to employees' complaints. Before World War II the only way that the government could cope with strikes was to appoint a standing committee headed by the mayor of

Bangkok. (Almost all strikes took place in Bangkok.) This method could constitute a possible source of mediation.[25]

During the period between 1945 and 1948 in disputes between employees and employers, labor organization became progressively to the extent that the government increased intervention to prevent serious stoppages. Strikes were motivated largely by the rapidly increasing cost of living. The government gave special attention to the prevention of work stoppages, and after 1948 the number of strikes declined. Police intervention before the situation reached the stage of a strike was the usual pattern. In the 1950's work stoppage increased again and caused the government to pass the Labor Act, however, after passage of the law strikes still increased but were brought to a halt by the imposition of martial law in 1958.[26]

The period between 1962 and 1971 there were some significant changes in number of work stoppages. They increased from six stoppages in 1964 to seventeen stoppages in 1965. Then they declined abruptly from seventeen in 1966 to two in 1967 and increased back to fourteen in 1968. Right after that the number of work stoppages increased gradually. (See Appendix F.) Unfortunately there have been no records to explain those changes. Henderson and his research team stated that; "In 1969 there were major strikes at the Firestone Tire Manufacturing Company, the Yazaki Electrical

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[25]George L. Harris, and others, *op. cit.*, pp. 245-246.

[26]*Ibid.*, p. 246.

Wire Manufacturing Company, and the Thai Plywood factory, where 1,400 workers walked off the job twice and issued a total of fourteen demands."[27]

In 1973 again, there have been no records to describe the 59 work stoppages. But, the increase from ten in October to 49 in November (Appendix G) was because of the overthrow of the military government on October 14. The new government, called "The Care Taker" did not intervene to prevent strikes. Higher wages were the biggest issue of employees' demand. Mostly employees won. Those successful strikes encouraged employees of other companies to do the same. Until the time of this writing there has been an appreciable increase in the number and level of strike activity. The followings are some of the news reported by U.S. news agencies.

"Bangkok, Thailand (AP)-Thousands of state railway workers struck today, halting rail traffic across Thailand. It was the first rail strike in Thai history."[28] (Actually it was the second rail strike, the first one was in 1930's, mentioned in the fourth paragraph of this section.)

"The Thai labor movement, which has just won a boost in the minimum wage from 60¢ a day to 80¢, has flexed its new muscle by calling 142 strikes, most of which were settled

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[27]John W. Henderson, and others, *op. cit.*, p. 277.

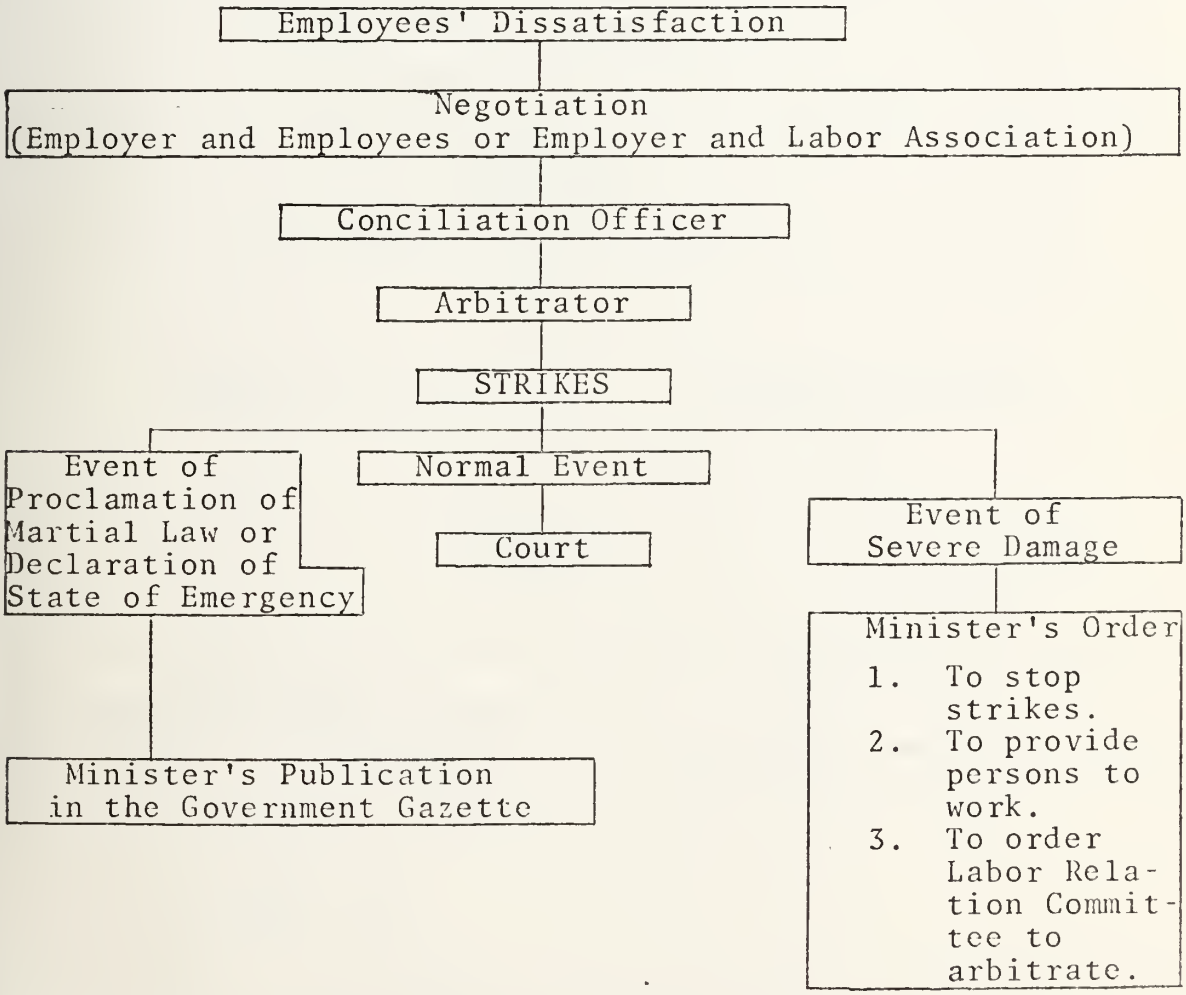
[28]Monterey Peninsula Herald Daily Newspaper, November 6, 1973.

quickly."[29] (Unfortunately, no reason was reported why strikes were settled quickly.)

B. STEPS OF ACTIONS

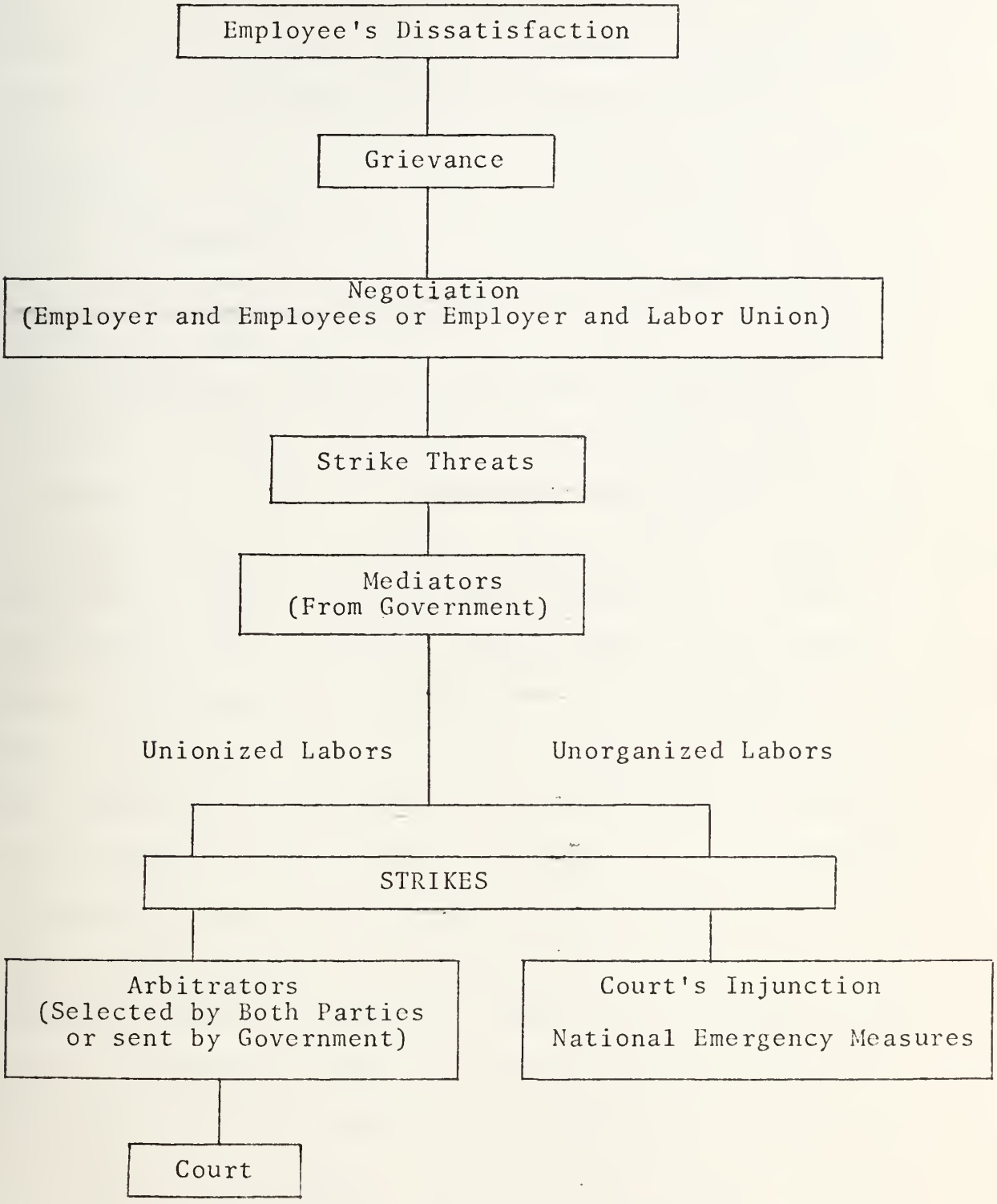
Strikes appear to be apparent that they are very complex. The purpose of these simplified diagrams is to help us to visualize mechanism and the precedence of various events of strikes. Diagrams will portray steps of actions both in Thailand and in U.S.

1. Simplified Steps of Actions for Strikes in Thailand


Employees' Dissatisfaction
Negotiation
(Employer and Employees or Employer and Labor Association)
Conciliation Officer
Arbitrator
STRIKES
Event of Proclamation of Martial Law or Declaration of State of Emergency
Normal Event
Court
Event of Severe Damage
Minister's Order
1. To stop strikes.
2. To provide persons to work.
3. To order Labor Relation Committee to arbitrate.
Minister's Publication in the Government Gazette

[29]"Thailand, The First Steps to Reform," Time, Weekly News Magazine, January 7, 1974.

2. Simplified Steps of Actions for Strikes in U.S.



As it was mentioned earlier that strikes in Thailand at the time of this writing is analogous to those at the beginning of strikes in U.S. However both diagrams have

something in common. They begin with employees' dissatisfaction and end up with Court or Government Actions. Some of the important aspects will be discussed later on.

C. UNION

1. Background

Union was defined in U.S. Army Handbook named Administering The Labor Agreement as: "A lawful association or labor organization which has as a primary purpose the improvement of working conditions among employees and which is free of restrictions or practices denying membership because of race, color, religion, sex or national origin."[30] Union is the vehicle of collective bargaining. Charles Evans Hughes, Chief Justice, Supreme Court of the United States 1937 confirmed its necessity as the following. "Long ago we stated the reason for labor organizations. We said that they were organized out of the necessities of the situation; that a single employee was helpless in dealing with an employer; that he was dependent ordinarily on his daily wage for the maintenance of himself and family; that if the employer refused to pay him the wages that he thought fair, he was nevertheless unable to leave the employ and resist arbitrary and unfair treatment; that union was essential to

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[30]"Administering The Labor Agreement" Civilian Personnel Pamphlet No. 72, p. 10, Department of the Army, 1968.

give laborers opportunity to deal on an equality with their employer."[31]

It is generally accepted that the theory of the union is simple. It bargins collectively on behalf of its members with employers or groups of employers who may also be organized in associations; exercising a collective voice in the setting of wages, hours and conditions of employment.[32]

There is no doubt that employees can get much benefit from the union. Union may provide its members with better pay, vacations, paid holidays, pensions, and the like. Moreover, workers form labor unions not only for economic considerations but also because of psychological and social factors. Workers' morale is improved when they are union's members. Workers also want to have a voice in the determination of things of significance in the bargaining unit.

An interesting question was answered in the AFL-CIO handbook. "Why do workers join unions in such great number? To earn better pay; to gain a little more security; to achieve human dignity through collective action without regard to race, creed, color, sex or national origin...without unions, wages would certainly be lower; buying power would

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[31]Charles Evans Hughes, Chief Justice, Supreme Court of the United States, Excerpted from The Decision in the Case of United States vs. Jones & Laughlin, 1937.

[32]"The Organization" ILWU Story, Second Edition, p. 7, International Longshoremen's & Warehousemen's Union, 1963.

be reduced; fewer cars, home appliances, clothes and industrial products would be sold."[33]

One more advantage about union is the union contract. It is the written document formalizing agreements reached during collective negotiations between management and an exclusively recognized union.[34] It should be possible to say that the main advantage of the union contract is protection-protection against one-way decisions made by the employer that may be unjust and unnecessary, protection against discriminatory discharges, protection against wages cutting, and protection against speed-ups. The union contract also assures the employees that when he grows older he cannot be thrown on the scrap heap. Most contracts have seniority provisions

2. Labor Organization in Thailand

Before World War II the organized labor had no defined status or legal protection until the enactment of The Labor Act of 1956 which gave workers the right to organize, strike and bargain collectively. In 1958 the Prime Minister placed the country under martial law. All unions were abolished.[35]

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[33]"Unions Are Here And Here To Stay," AFL-CIO Handbook, *op. cit.*, p. 6.

[34]Civilian Personnel Pamphlet, *op. cit.*, p. 7.

[35]George L. Harris, and others, *op. cit.*, p. 241.

There was an Announcement of The Ministry of Interior in 1972. (The Announcement concerning Labor issued by Ministry of Interior was as valid as the Law.) That Announcement used the word "Association" instead of "Union". Another important aspect was that it provided regulations for both employers' and employees' association. This writing will emphasize on the latter as much as possible. Chapter 5 of the 1972 Announcement covered a great detail of employees' association such as; the establishment and purpose of the association, and the qualification of its members. For instance:

Section 31. "The establishment of employers, or employees' association shall require the permission and be registered in accordance with this Announcement...."

Section 33. "Employees shall have the right to apply for the establishment of an employees' association for the purposes of pursuing and protecting their mutual interests relating to conditions of employment, working conditions...

An employees' association shall comprise members who are employees of the same employer or who are employed in the same type of undertakings located within the same Province, regardless of the number of employers."[36]

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[36]Sections 31 and 33 were excerpted from Chapter 5 of The Announcement of the Ministry of Interior Concerning Labor Relations, April 16, 1972.

Chapter 6 of the same Announcement described more and more regulations about employees' association. Some important aspects that should be mentioned are: the number and election of the executive committee, and qualification of employees' association. For instances:

Section 43. "The election of the Executive Committee at the general meeting by secret ballot."

Section 46. "Members of an employers' or employees' association shall possess the following qualifications:

(1) Being an employer or an employee consecutively for not less than 120 days up to the date of the application for membership;

(2) Not being less than eighteen years of age;

....."[37]

3. Expected Issues in the Future

At the time of this writing the number of unionized labors in Thailand are very small. Most of labors are unorganized. This observation can be confirmed by some statistics. The 1969 Labor Force Survey reported that in that year there were 1,468,900 private employees. (See Appendix H.) According to the records of the Department of Labor, in 1974, there were only 11,980 labor associations' members. (See Appendix I.) It is obvious that the Thai labor associations are far behind those of U.S. They are not systematic, not well organized and they do not play big role in

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[37] *Ibid.*, Chapter 6.

labor relations. So, in the future they have to have or to deal with some issues involving labor organization which the U.S. already had. Some of those should be brought into discussion as the followings:

a. Steward

"The steward is the employees' primary representative on the line. The union views his job as having two different but not really separate parts: First, he is to protect the workers' right in the shop by settling grievances and watching for violations of the contract and/or labor laws on the part of management. Second, he is to strengthen the union and build support for its program by telling the workers about union activities and building loyalty to union goals. A chief steward oversees and coordinates the activities of other stewards."[38] This is a good definition to paint the picture what the steward looks like. The IAM, AFL-CIO handbook named "Pocket Guide for Shop Stewards" pointed out that shop steward is the union to the average member. "The shop steward is to the union what the foreman is to a company. Just as the foreman is the company to the average worker, so the shop steward is the union to the average member."[39] It also emphasized the

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[38]"Administering The Labor Agreement," Civilian Personnel Pamphlet, *op. cit.*, p. 9.

[39]"Pocket Guide for Shop Stewards," IAM, AFL-CIO Handbook, p. 8, International Association of Machinists AFL-CIO.

main function of the steward as: "The enforcement of the contract is major job of the union grievance officer-the shop steward of committeeman. To them falls the responsibility of protecting the rights and benefits gained in the contract."[40] In short, steward's functions were summarized as:

Being a leader.

Getting new members.

Handling grievances.

Dealing with management.[41]

b. Checkoff

The effective method for the collection of union financial obligations is called "Checkoff". It requires the employer to deduct from his employees' wages a sum equivalent to union dues and other obligations. Then the money is turned over to the proper union officials. The union member does not have to pay to his organization on an individual basis.[42] Most labor organizations favor checkoff. A few of them favor the collection of financial obligations on an individual basis. Their reason is to keep union leadership in touch with the rank and file. Thus, if the shop steward visits each member monthly for the purpose of dues collection

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[40] *Ibid.*, p. 5.

[41] *Ibid.*, p. 1.

[42] Benjamin J. Taylor and Fred Witney, Labor Relations Law, p. 325, Prentice-Hall, Inc., 1971.

the personal contact enables the union to keep a close relationship with the members.[43]

c. Strike-relief Funds

In U.S., labor unions may provide workers engaged in a labor dispute with strike-relief funds or with anything else of value. Without this fund workers on strike will soon exhaust what savings they may have accumulated while at work. During a strike the worker still must meet his household expenses, insurance policy premiums, medical bills, rent, and the like. So, labor unions try to help strikers with modest strike benefits. Unions may supplement strike-relief funds with food tickets or with food itself.[44]

d. Union of Unions

U.S. has a union of unions, not of individuals called AFL-CIO (American Federation of Labor and Congress of Industrial Organizations). In joining the AFL-CIO unions do not surrender their independence or sovereignty. Unions still set their own policies, retain full control over their own affairs, and make their own decisions. The AFL-CIO does not deal with the decision whether to strike and what demands to make in negotiations. "It is engaged in lobbying, public relations, research, and education to present labor's views on countless problems-not only wages, hours, and working

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[43] *Ibid.*, p. 326.

[44] *Ibid.*, p. 83.

conditions, but also on topics ranging from public housing to foreign policy."[45] The AFL-CIO also performs various functions within the labor movement. It tries to minimize friction between affiliated unions and settle the dispute. Moreover, it provides research and legal assistance for unions. Unions are too small to afford their own research.[46]

D. EMPLOYEES' DISSATISFACTION

Employees' dissatisfaction or demand is the starting point of labor strikes. (See Simplified Diagram of Chapter III Section B(1) and B(2).) Unfortunately there is no detailed record about Thai employee's dissatisfaction. The only available data is The Conciliation Case Statistics 1962-1971 of Department of Labor. (See Appendix J.) They merely described that the issues involving in labor dispute are: Dismissal pay, wages, accumulative fund, Damage deposit, overtime, discrimination, reinstatement, and medical care. There are neither definitions nor details of those terms. From daily newspaper and mouth-to-mouth information, it was disclosed only that the biggest issue was wages. In this situation the topic will be discussed mostly on U.S. employees' dissatisfaction which can be applied to the Thai case both at the time of this writing and in the future.

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[45] Marten Estey, The Unions, p. 37, Harcourt Brace & World Inc., 1967.

[46] *Ibid.*, p. 37.

1. Wage Rate

In the early 1800's many of strikes were protests against wage cutting. Employer tried to maintain his profit. When he found that he was being undersold by a rival producer, he frequently reduced wages to wipe out the price differential and still maintain profit.[47] Then higher wages became the big issue. Many of labor organizations engaged successful strikes for higher wages.

Is the wage increase good for the national economy? The AFL-CIO handbook answered this interesting question as the following. "Everybody favors a higher income level for the American people. Unions have tried to do something about it-and they have been successful in raising the income levels of workers' wages through collective bargaining with employers... Some people say: "But that doesn't do any good-increases in the cost of living eat up the increased wages." The facts don't support that argument. Steel wages, for instance, have increased about 336% in twenty years; the cost of living during the same period has gone up about 96%. Thus steelworkers have received real benefits.... If workers are better off, is that good for the rest of the national economy? Again, the facts say "yes"."[48] It was described further that if wages have not been increased it will be bad to the

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[47]Benjamin J. Taylor and Fred Witney, *op. cit.*, p. 14.

[48]"Why Wage Increases?", AFL-CIO Handbook, *op. cit.*, pp. 13-14.

American economy. American economy is based on an essential need for mass production. If the working population does not have the money to buy those products economy will be crippled.

Turning back to Thai Labor Relations Law, the Announcement of The Ministry of Interior dated April 16, 1972 Chapter 4 stipulated wages in great details. Some of those involved with equal pay, kind and place of payment, and pay for holidays. For instances:

Section 26. "Where the work is of the same nature, quality and volume, the fixing of wages, overtime pay, and holiday work pay, shall be equal regardless of the sex of the employee."

Section 27. "The employer shall make payment by cash for wages, overtime pay, and holiday work pay in Thai currency. ....."

Section 28. "Wages, overtime pay, and holiday work pay shall be paid to the employee at his place of work. ..."

Section 32. "The employer shall pay wages to the regular employee at the working day rate for the following holidays:

(1) Weekly rest days except when the regular employee paid on a daily, hourly or piece rate basis;

(2) Customary holiday;

(3) Annual holidays."[49]

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[49]Sections 26, 27, 28, and 32 were excerpted from Chapter 4 of The Announcement of The Ministry of Interior Concerning Labor Protection, April 16, 1972.

Minimum wage was stipulated in U.S. labor law in 1938. With the support of America's unions, the nation enacted the Fair Labor Standards Act. This law, although it did not cover all workers-set a national hourly minimum of 25 cents. In this regard, The Ministry of Interior of Thialand announced to set up a Wage Board which was responsible for determining the minimum wages. The followings are some features of that Announcement:

Section 3. "A Wage Board shall be set up and shall consist of a chairman and other members appointed by the Minister..."

Section 6. "The Board shall have the responsibilities in determining the minimum wages..."

Section 14. "After studying and considering all factual data as stipulated in Section 6 the Board shall prescribe the minimum rate of wages with full particulars as necessary to be submitted to the Minister..."[50]

On February 14, 1973 The Ministry of Interior announced the minimum wage as 12 Bahts (60 cents) per day or 312 Bahts ($15.60) per month for monthly employee.[51]

To maximize his profit, management tries to pay at this minimum wage rate. Most employees were not satisfied.

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[50]Sections 3, 6 and 14 were excerpted from Chapter 1 and 2 respectively of The Announcement of The Ministry of Interior Concerning Minimum Wage, April 16, 1972.

[51]Nikom Chanvitoon, Management of Labor in Thailand, p. 40, Department of Labor, 1973.

They claimed that it was not fair. They requested higher wage-a fair wage. If management could not pay what they needed they went on strike.

"What is a fair wage?" has been studied in U.S. for a long period of time. The results of those studies are out of the scope of this writing. However, the Labor relations Manual prescribed briefly that:

"In determining what constitutes a fair wage, the Plant Manager should give first consideration to rates paid by competing firms in the same area. It is the Company policy to pay rates equal to those paid by principal competition located in the area."[52]

2. Hours of Work

From the history of labor movement in U.S., it should be noticed that in the past labors had to work so many hours a day, so many days a week and so many weeks a year to feed themselves and their families. "Hours of work were long relative to current standards, frequently ranging from twelve to fourteen per day",[53] as stated by Taylor and Witney. Hayes disclosed about hours of work in more details: "The work week in the United States was gradually reduced from 72 hours, 75 years ago to the 40 hours of today."[54]

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[52]Alvin W. Gouldner, Wildcat Strike, p. 115, The Antioch Press, 1954.

[53]Benjamin J. Taylor and Fred Witney, *op. cit.*, p. 15.

[54]Albert J. Hayes, "Prescription for Progress," Your Union Today 1963, p. 4, International Association of Machinists, AFL-CIO, 1963.

He also pointed out that there was an important shortening of the work week for every 20-year period in recent history. He urged labors to shorten the work week to 35-hour work week which would create an estimated 2,000,000 new job.

Every employee-employer agreement will mention all details about hours of work. For instances:

"Except as hereinafter provided, the basic work week will consist of five days, Monday through Friday."[55]

"Employees shall earn annual leave in accordance with applicable statutes."[56]

"Employees shall earn sick leave in accordance with applicable statutes and regulations."[57]

As a matter of fact, hours of work have not been the Thai employee's dissatisfaction. It was not included in the "Issues Involved" column of the Conciliation Cases Statistics 1962-1971. (See Appendix J.) The reason may be that, for the Thai employee's point of view the shortening of hours of work is much less important than higher pay or other demands. However, hours of work, weekly rest day, holidays, sick leave, and the like were stipulated in the Announcement of The Ministry of Interior. For instances

Section 3. "An employer shall proclaim the normal hours of work of an employee as follows:

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[55] Employee-Management between Charleston Naval Shipyard and Charleston Metal Trades Council, p. 17, 1966.

[56] *Ibid.*, p. 29.

[57] *Ibid.*, p. 35.

(1) Industrial work shall not exceed forty-eight hours per week;

(2) Transport work shall not exceed eight hours per day;

....."

Section 7. "An employer shall provide at least a weekly rest day per week and the interval between the weekly rest days will not exceed six days."

Section 9. "The employer shall proclaim at least thirteen days per year as customary holidays including the National Labor Day."

Section 12. "Any employee shall be entitled to sick leave of not more than thirty normal working days per year."[58]

3. Healthy, Safety and Working Condition

This topic did not become an important element of the American labor dispute until industry grew to a more secure position in the economy. Until in the latter part of the 1950's and in the first few years of the 1960's, employees' demands were heavily toward job security, healthy, safety and working condition.[59] Health and welfare plans have spread through industry as a result of collective bargaining. Union contracts often provide for safe working condition, life insurance, hospital and surgical coverage

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[58]Sections 3, 7, 9 and 12 were excerpted from Chapter I of The Announcement of The Ministry of Interior Concerning Labor Protection, April 16, 1972.

[59]John G. Hutchinson, Management Under Strike Conditions, p. 65, Holt, Rinehart and Winston, Inc., 1965.

for the labor and his family. However, labor is still seeking further improvements.

In this regard it was mentioned in the Announcement of The Ministry of Interior. For instances:

Section 63. "The employer shall provide the employees with clean drinking water, bathrooms and lavatories in accordance with the required sanitary standards..."

Section 64. "The employer shall provide first-aid or medical treatment facilities to assist the employees who sustain injury or sickness according to the working conditions..."

Section 65. "For any work that may be detrimental to the employee's health or body, the employer shall provide protective or safety devices for him...

For the employees who are employed in accordance with the first paragraph the employer shall arrange for the employees to have a physical examination by a first class medical doctor at least once a year..."

Section 66. "The employer shall provide air ventilation, water drainage and sewage disposal, lighting, emergency exists..."

Section 67. "Expenses incurred under this Chapter shall be borned by the employer."[60]

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[60]Sections 63-67 were excerpted from Chapter 7 of The Announcement of The Ministry of Interior Concerning Labor Protection, April 16, 1972.

4. Job Security

As it was mentioned in 3 that job security began to be the big issue of the American labor dispute at the same period of time as healthy, safety and working condition. Hutchinson established a typical list of union demands to protect workers' job security as the following:

- Demands for a shorter work week.
- Controls over the rate of introduction of new equipment and/or methods.
- Provisions for severance pay or some sort of automation fund designed to lessen the impact of worker displacement by automated equipment or devices.
- Limitation on subcontracting.
- Provisions for redefining and strengthening existing seniority clauses.
- Demands for retraining or early retirement.
- Suggestions on ways to regulate the size of work crews.
- Limitations on methods and means of setting and administering work standards.
- Restrictions on new plant locations.[61]

This list should be added one more important demand:

- No unjust discharge of employee.

Again, from the Conciliation Case Statistics 1962-1971 (see Appendix J) it is apparent that job security was not the issue involved with the Thai labor dispute. But, it is certain that employers will face with some of the above

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[61]John G. Hutchinson, *op. cit.*, p. 65.

demands in the near future especially the second, third and the last ones.

First demand was already discussed in 2.

Second and third demands deal with automation-unemployment. Every wage earner fears the threat of unemployment. The loss of a job often means financial disaster and severe sacrifice for him and his family. The effect of unemployment was emphasized in the book named Men and Machines as:

> "Nothing is more degrading to a man than unemployment. It robs a man of dignity, destroys his place at the head of the family, and deprives him of the essential feeling of usefulness as a human being."[62]

The book also described the danger of automation to employees as the followings:

> "To the engineer automation is control of a machine by a computer or some other machine.
>
> To a working man automation is any machine that takes over or threatens to take over his job."[63]

It is obvious that America cannot afford large-scale unemployment. America is a nation where automation advances. That technological advance has produced great productive ability. When consumers are unable to match this productive ability with purchasing power, America is in trouble.

A solution for the problem of automation was recommended by the Men and Machines as: "If industry, government,

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[62] Men and Machines, p. 33, International Longshoremen's & Warehousemen's Union, 1963.

[63] *Ibid.*, p. 112.

unions, and everyone else involved established a mechanism through which a worker displaced by a machine would be assured another job of equal worth and security, resistance to production changes would evaporate, for it is not the old methods that workers want to preserve but the old security. In the absence of such guarantees, the conflict will be with us."[64]

The unjust discharge of employee, the last demand mentioned earlier, was the constant threat of unemployment over an employee's head in the past. The U.S. union contracts today state that no worker shall be discharged except for just cause. In most contracts, discharges may be protested through the established grievance procedures. This provides more security for workers and also more stable labor relations for the employer who might otherwise find angry workers ready to strike over what they consider an unjust discharge.

The following is an example of the statement about discharge of employee appearing in union contract: "No employee shall be discharged without just cause, the Employee may be reinstated with payment for time lost. In the event of a dispute, the existence of "just cause" shall be determined under the grievance procedure provided for in Section

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[64] *Ibid.*, p. 34.

21 hereof. Employees discharged for "just cause" shall be paid only for actual time worked."[65]

E. GRIEVANCE PROCEDURE

From the simplified steps of action in B(1) and B(2), it should be noticed that the main difference between the steps of actions for strikes in Thailand and U.S. is that the Thai's does not have grievance procedure. If so, how can the employees' dissatisfaction be handled before reaching strikes? It would be better to answer this question by quoting from The Announcement of The Ministry of Interior Concerning Labor Relations as follows:

Section 4. "The employer or the employee who wishes to demand an amendment or revision of the conditions of employment which is beneficial to the demanding party shall notify the other party of such demand."

Section 8. .....

(2) In case the demand is made by the employees, it shall be sent to the employer. If the employer cannot be found or the employer refuses to receive the demand, the employees may request the Conciliation Officer to notify the employer on their behalf..."

Section 10. "Upon receipt of the demand and the names of the receiving party, both parties shall begin negotiation..."

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[65]Master Agreement for Northern California between Associated General Contractors of America, Inc. and Local Union No. 3 of The International Union of Operating Engineers, AFL-CIO, 1965-1968, pp. 5-6.

Section 11. "If an agreement can be reached on the demand under Section 4 by the employer and the employees, it shall be made in writing..."

Section 12. "If no negotiation has taken place within the period of time specified in Section 10, or if the negotiation has been entered into but no agreement has been reached,....the demanding party shall in writing notify the Conciliation Officer of the demand together with the causes of the failure to negotiate or to reach agreement..."

Section 13. "After the notification has been received, the Conciliation Officer shall begin conciliation within five days in order to bring both parties to settlement from the date of the notification..."

Section 14. "If the two parties cannot reach an agreement after attempt has been made in accordance with Section 13 the following procedures shall be taken:

(1) ... The Conciliation Officer shall in writing advise both parties to appoint, one or three disinterested or uninvolved labor dispute arbitrators as mutually agreed upon to decide upon such labor dispute.

If both parties refuse or fail to appoint such arbitrator within fifteen days from the date of advice, or if the arbitrator so appointed fails to decide upon such labor dispute within thirty days from the date of his appointment, such dispute shall be deemed unsettled."[66]

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[66]Sections 4, 8, 10-14 were excerpted from Chapter 1 and 2 of The Announcement of The Ministry of Interior Concerning Labor Relations, April 16, 1972.

The Administering The Labor Agreement, the U. S. Army Handbook defined grievance as "An employee's expression of dissatisfaction with some aspect of his working conditions, relationships or employment status."[67]

Grievance procedure is essential to all parties involved in labor relations. It is as important to employer and to employee. The grievance machinery enables management with the help of the union to discover and correct the sore spots in working conditions and plant relations before they are permitted to spread and cause strikes.[68]

The characteristic of the grievance procedure is that it provides a means of resolving employees' dissatisfaction at the lowest level possible. The procedure itself provides for several stages of settlement depending on the size of the plant, the customs of the union-management relationship, and the history of labor relations in the company.

The general grievance procedure as it was proposed in The Pocket Guide for Shop Stewards might be covered by a clause like this:

> "The Company recognizes and will deal with all of the accredited members of the shop committee and shop and departmental stewards in all matters relating to grievances, interpretations of the agreement or in any other matters which affect or may affect the relationship between the Company and the union.[69]

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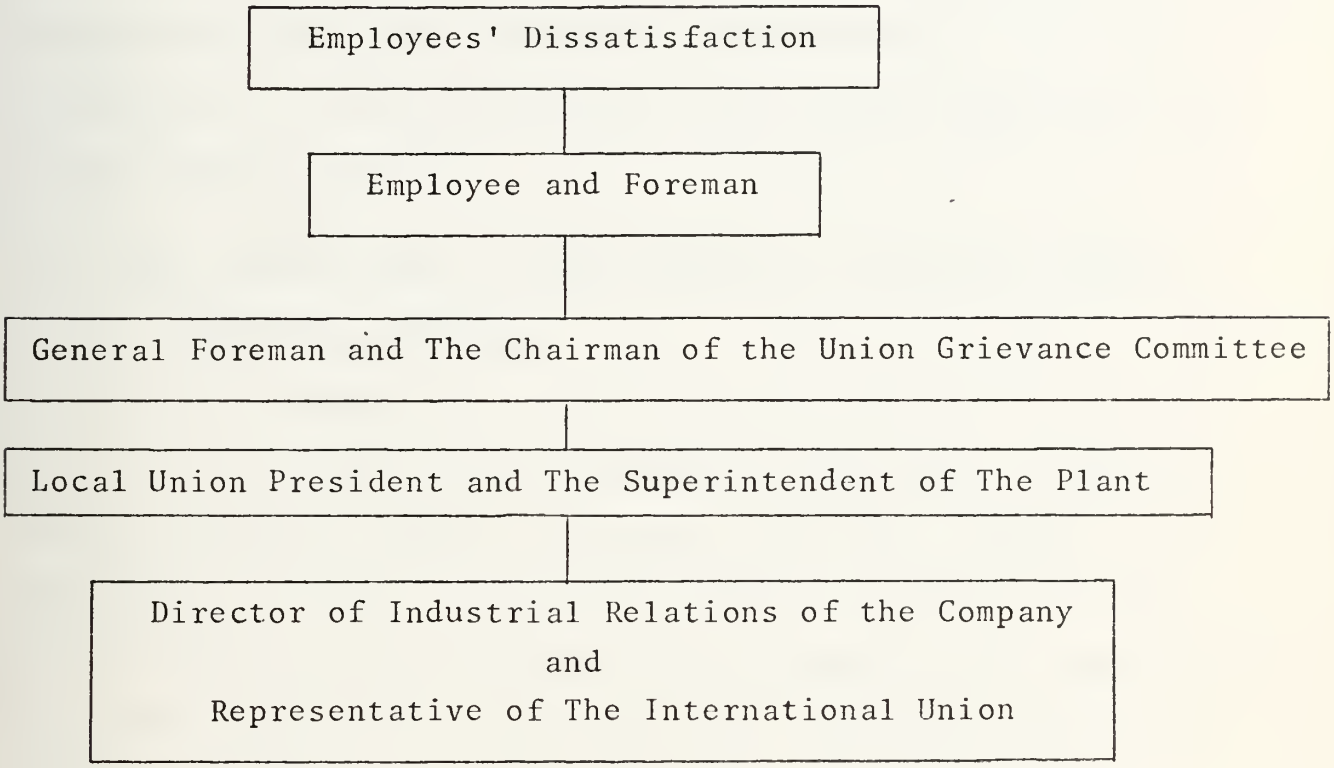
[67]"Administering The Labor Agreement," Civilian Personnel Pamphlet, *op. cit.*, p. 8.

[68]"Pocket Guide for Shop Stewards," IAM, AFL-CIO Handbook, *op. cit.*, pp. 29-30.

[69]*Ibid.*, p. 30.

Taylor and Witney proposed a typical four-step grievance procedure. For the better understanding, it should be portrayed as the following simplified diagram:


Employees' Dissatisfaction
Employee and Foreman
General Foreman and The Chairman of the Union Grievance Committee
Local Union President and The Superintendent of The Plant
Director of Industrial Relations of the Company
and
Representative of The International Union

The authors described this four-step as the followings: "A typical four-step procedure might be one in which the foreman of the department in which the grievance arises and the employee in question, with or without a union steward, handle the problem at the first step. If a settlement is not reached at this stage, the second step might involve discussions by the general foreman and the chairman of the union grievance committee. Failing to reach agreement at the second step, the grievance would then go to the third stage, at which there could be deliberations by the local union president and the superintendent of the plant, perhaps together with other

designated union and company representatives. Finally, if no settlement is reached, the fourth step of the grievance procedure is invoked. At this terminal step the grievance might be handled by the Director of Industrial Relations of the company and other key management representatives, and a representative of the international union and key representatives of the local union."[70]

F. SOME WEAPONS USED IN LABOR DISPUTE BY INVOLVING PARTIES

1. Employees' Weapons

a. Strikes

Strikes are any stoppage of work due to employees' action to compel employer to comply with their demands. Importance of strikes was also discussed in section A of chapter III that strikes should be used to maximize the constructive agreement instead of being eliminated. Strikes should not be eliminated because they are the only effective employees' weapons. Without them it would be very difficult to compel employers to provide what the employees need. Strikes are weapons employed to obtain a desired end or to avoid the imposition of undesirable conditions.

Strikes occur when workers walk away from their jobs. They can be total or partial. In other words, they can affect the whole plant or industry, or only parts of a plant or an industry.

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[70]Benjamin J. Taylor and Fred Witney, *op. cit.*, pp. 344-345.

b. Picketing

Picketing is another employees' weapon to support strikes and make them more effective. Its characteristic can be demonstrated by the following example: "During one strike a union organized a picket line of between two hundred and three hundred members. The workers massed in front of the driveway leading to the struck plant's parking lot. When cars carrying nonstriking employees reached the driveway, they were blocked by the crowd. Three cars successfully drove into the parking lot, but only through the assistance of local police officers. Two other automobiles started to drive through the picket line but, when instructed by the plant superintendent not to attempt to go through, they drove away."[71]

Until the time of this writing, picketing has never occurred in Thailand. It was neither stipulated in Thai labor relations law nor mentioned in any Thai literature. As it was discussed earlier that strikes in Thailand at present are analogous to those at the beginning of American labor dispute. It is possible that employers will face with another kind of employees' weapon-picketing in the near future.

Speaking of picketing in U.S., Section 7 of the Taft-Hartley Act provides that: "Employees shall have the right to self-organization, to form, join or assist labor organizations, to bargain collectively, ... to engage in

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[71] *Ibid.*, pp. 389-390.

other concerted activities ... and shall have the right to refrain from any or all of such activities ..."[72] By the underlined clause of this act picketing in the above example is illegal because the effect of the picketing denied to employers the opportunity to work during a strike. Picketing may be lawful if it is in the form of peaceful picketing. Peaceful picketing does not constitute coercion and restraint of employees. Penalties for Unlawful Picketing were stipulated in Taft-Hartley Act which can be summarized as the followings: "Both unions and employees are subject to penalties for unlawful picketing. Unions that sponsor unlawful picketing face injunction proceedings. Employees who engage in unlawful picketing lose reinstatement rights."[73]

2. Employers' Weapons

Lock-Out. The Announcement of The Ministry of Interior Concerning Labor Relations defined the lock out as: "Any refusal of an employer to provide work to employees in order to compel the employees to do or refrain from doing something concerning a labor dispute."[74]

Employers have many variations of the "lockout". They can be subcontracting work out, closing down parts of

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[72] *Ibid.*, p. 387.

[73] *Ibid.*, p. 392.

[74] The statement was excerpted from The Announcement of The Ministry of Interior Concerning Labor Relations, April 16, 1972.

the plant, cutting out product lines, refusing to take orders, and many other devices.[75]

The Thai Labor Relations Law viewed the "lock-out" and "strike" as the Siamese twins. The law forbids both of them on the same cases. Those cases are improper procedure, public service, causing severe damage, and the event of a proclamation of martial law. (See Appendix K, Section 20-23 respectively.)

Turning to American labor dispute, the National Labor Relations Board (the administrative agency of Wagner Act) has established two situations under which it permits lockouts. One provides that the weapon is permissible as a defensive device to protect the employer against a sudden strike that might result in unusual economic losses. The other is a lockout to preserve the institution of multicollective bargaining.

Unusual Economic Losses. They might result for a company involved in custom work that cannot afford to continue to operate on a day-to-day basis for an extended period after contract expiration. Unusual economic costs might also be involved for a firm that produces a perishable raw material. After a contract has expired a firm may lock out if it does not know the timing of an expected union strike.

Defense of Multibargaining Unit. This term can be described as the following example: In 1956 the Buffalo

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[75]Donald B. Straus, *op. cit.*, p. 829.

Linen case involved the Truck Drivers Local Union No. 449, and eight companies with which it bargained. There was a history of multi-employer bargaining between the parties. The union struck one company and the remaining seven reacted by locking out their employees. The nonstruck companies reacted in that way to prevent whipsawing. (Whipsawing refers to successive surprise strikes against one after another of the various members of an employers' association.)[76]

3. Third Party's Action

Arbitration. The U.S. Army Handbook defined the arbitration as: "A way of settling labor-management differences by calling in an impartial third party, called an arbitrator, whose decision is furnished to the local parties.[77] There can be a single arbitrator or several. They can all be neutrals, or representative of both sides as well as neutrals. They are used to avoid a breakdown in labor-management relations and to promote uninterrupted production during the life of a contract. Arbitrators make the final settlement of disputes involving contract violations. Their decisions are binding on the two parties. Taylor and Witney disclosed that "At present some 95 percent of all U.S. labor agreements provide for arbitration as the final step in the grievance procedure."[78]

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[76] *Ibid.*, p. 384.

[77] "Administering The Labor Agreement," Civilian Personnel Pamphlet, *op. cit.*, p. 5.

[78] Benjamin J. Taylor and Fred Witney, *op. cit.*, p. 355.

There have been an argument that labor courts used by France, Germany, and Sweden are better than arbitrators in U.S. in some aspects. Aaron pointed out in his book, Dispute Settlement Procedures in Five Western European Countries: "Proponents of the labor court idea have obviously concluded that judges and courts are better qualified than administrative boards or arbitrators to adjudicate labor-management disputes. ... The judgment of courts is esteemed, provided they are "sound" courts. This means that the judges are trained in "law" not "sociology", and that they only "apply" law and do not "invent" it. Individual judges, it is said, are immune to political pressure (at least after their appointment) because of their long tenure. Being lawyers, they know how to read and interpret contracts, including labor agreements."[79]

Thai arbitrators may be only one or three persons. They are selected by both management and employees. From the simplified steps of action in section B(1), after the Conciliation Officer failed to enable both parties to reach the agreement he will advise both parties to appoint one or three arbitrators as mutually agreed upon to decide upon such labor dispute. Upon completion the consideration, the arbitrator will deliver his decision to both parties.[80]

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[79]Benjamin Aaron, Dispute Settlement Procedures in Five Western European Countries, p. 4, Institute of Industrial Relations University of California, Los Angeles, 1969.

[80]The Announcement of The Ministry of Interior, April 16, 1972, Chapter 2.

4. Government's Weapons

a. Mediation

"Mediation-usually used interchangeably with conciliation to mean an attempt by a third party, usually a government official, to bring together the parties in a negotiation impasse,"[81] as it was defined in the Administering The Labor Agreement, the U.S. Army handbook. The AFL-CIO Manual emphasized the chief characteristic of mediator that he has no power to make decisions. "The mediator is a third party who brings management and the union together, and helps them to work out a solution. The mediator has no power to make decisions. He merely may make recommendations which the parties may accept or repudiate."[82] A mediator can be a generalist in dispute settlement or he can be a specialist in the particular industry or issue under dispute, whether it be wage determination, the introduction of new automated machinery or other technical matters. The mediator can be a single person, or a team of persons. He can be a neutral so far as the parties are concerned, or he can bring into the negotiations a reflection of the public concern."[83]

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[81] "Administering The Labor Agreement," Civilian Personnel Pamphlet, *op. cit.*, p. 9.

[82] AFL-CIO Manual for Federal Employees, AFL-CIO Publication No. 138, p. 9, 1967.

[83] Donald B. Straus, *op. cit.*, pp. 829-830.

In the Thai labor dispute, Conciliation Officer is used instead of the word Mediator. He is a government official in the Department of Labor, Ministry of Interior. The procedure dealing with the operation of the Conciliation Officer was discussed in section E.

b. Labor Injunction

Taylor and Witney defined that: "An injunction is a court order directing a person, and if necessary his associates, to refrain from pursuing a course of action."[84] Actually, injunctions are also issued in non-labor cases. This writing will deal only with cases where employer-employee relations are involved.

The use of labor injunction is necessary to protect employer from unions. In the public interest's point of view, it also protect public interest from unions, which threaten the health and safety of the community.[85]

The procedure of labor injunction may be summarized as the followings:

A person who seeks an injunction will support his case at the outset with a series of sworn statements or affidavits. He will petition a court to issue an immediate order to prevent injury to his property. The courts will heed the request of the plaintiff and issue what is termed a

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[84] Benjamin J. Taylor and Fred Witney, *op. cit.*, p. 26.

[85] *Ibid.*, p. 25.

temporary restraining order. The purpose of this decree is to preserve the status quo until a full investigation is made of the circumstances. Temporary restraining orders are in effect injunctions. However, a judge, in issuing the temporary restraining order, does not claim that the plaintiff is right and the defendant wrong. Then the date for a hearing is set by the judge. On the basis of the hearing the court may dissolve the temporary restraining order, or may issue the temporary injunction which demands the full obedience of the parties affected by the decree. Permanent injunction is issued after a full hearing on the merits of the case is held. The defendant may appeal the decision of the judge if there is a higher court available for appeal.[86]

Those words mentioned above are for American Labor Relations Law. There still has been no labor injunction in Thailand at the time of this writing.

c. National Emergency Measures

"A national emergency dispute may be simply defined as a work stoppage that jeopardizes the health and safety of the general public."[87] The brief procedure of the national emergency measures are the followings: When the President of the United States believes that there is a national emergency dispute he will appoint a board of inquiry. After conducting the investigation, the board is

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[86] *Ibid.*, pp. 27-28.

[87] *Ibid.*, p. 442.

required to submit a report dealing with the facts of the dispute to the President. President may decide that the national emergency measures are not required. Alternatively, he may direct the Attorney General of the United States to petition any U.S. district court having jurisdiction of the parties to enjoin a strike or lockout. An injunction may be issued for an eighty-day period. During this period the injunction is in force, the parties are required to continue to bargain in good faith to adjust and settle their differences. If a settlement is not reached at the end of sixty days, the board will make a second report to the President. This report also includes the employer's last offer of settlement. The National Labor Relations Board then is required to poll the employees to find out if they will accept the last offer of the employer. The results of the election are certified to the Attorney General. By the close of eighty days he must ask the federal court to dissolve the injunction. The President makes a report of the entire proceedings to Congress together with any requests for legislation he may desire to make.[88]

Relating to the Thai labor relations law, in the event of a declaration of a state of emergency or a proclamation of martial law the Minister of Interior has the power to publish in the Government Gazette a notification prohibiting any strike. (See Appendix K Section 23.)

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[88] *Ibid.*, pp. 447-448.

d. Minister's Order

The Thai government has one more weapon-Minister's order. When the Minister of Interior finds that a strike may cause severe damage to the nation, he may order to stop the strike, to provide persons to work, or to order Labor Relation Committee to arbitrate the labor dispute. (See Appendix K Section 22.)

IV. CONCLUSIONS

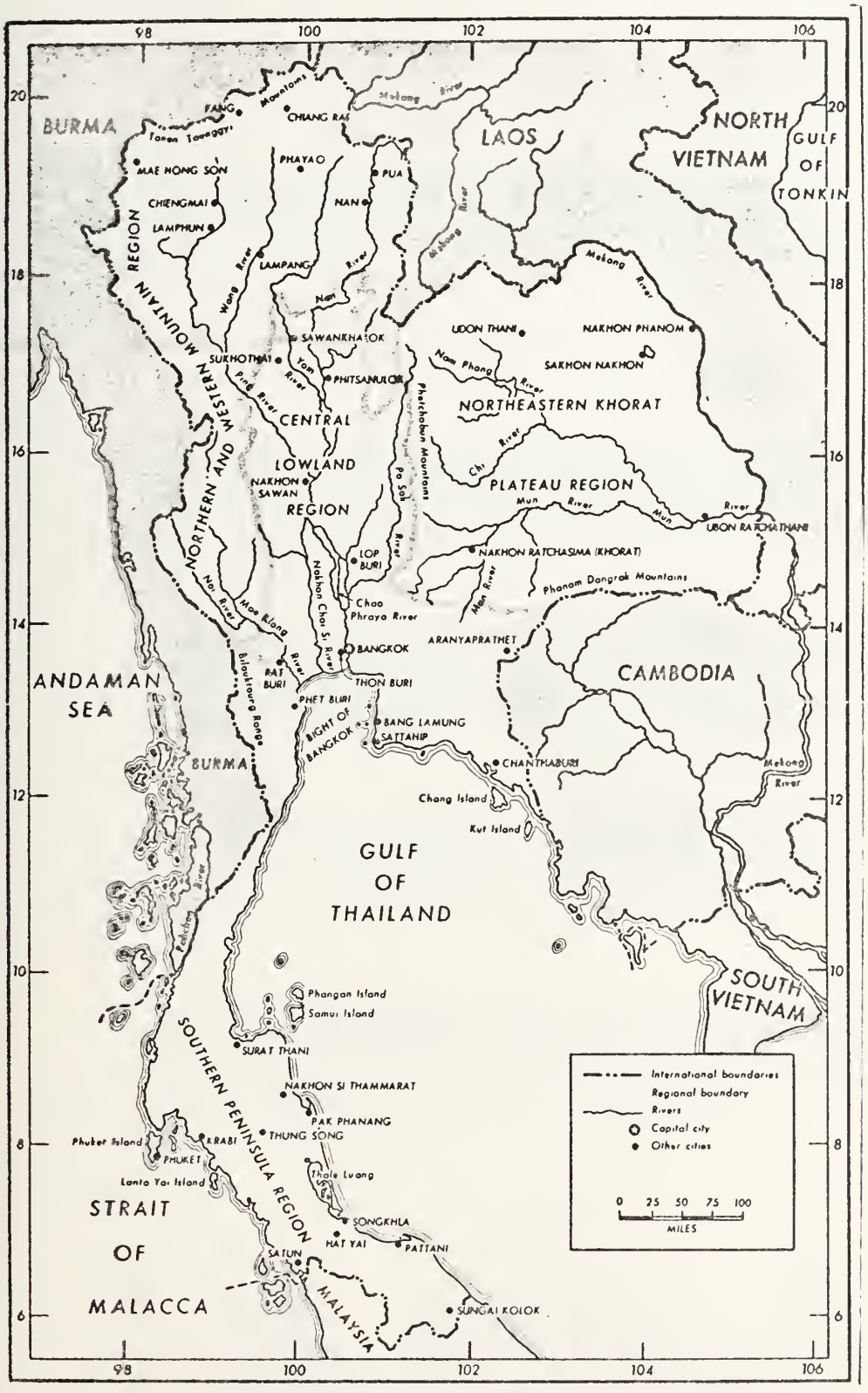
At the time of this writing, labor strikes in Thailand are not in critical situation. "Prevention is better than cure" as the old saying goes, labor strikes should be studied in order to be ready to cope with the serious situation in the future. There are however, no easy answers, nor any magical formula to handle labor strikes. Solution varies with each particular case and depends on each involving party's decision. Good decision certainly requires the well prepared study.

In this study, the overall environment of Thailand-geography, population, custom, political system, industrialization, welfare, labor relations law, and history of labor strikes are considered, in conjunction with comparative study of strike mechanism of Thailand and U.S.

The selection of U.S. to be included in this comparative study was not made at random. It is generally accepted that U.S. is the leading industrialized country which has a well-established labor relations system.

No intention has been made to distinguish each country's system. One system is good for one country. But, for the Thais, knowing such alternative system is the better idea to be ready to cope with labor strikes in the future.

APPENDIX A: MAP OF THAILAND*



*John W. Henderson., and others, *op. cit.*, p. XIV.

APPENDIX B: 1970 POPULATION AND HOUSING CENSUS PRELIMINARY REPORT[89]

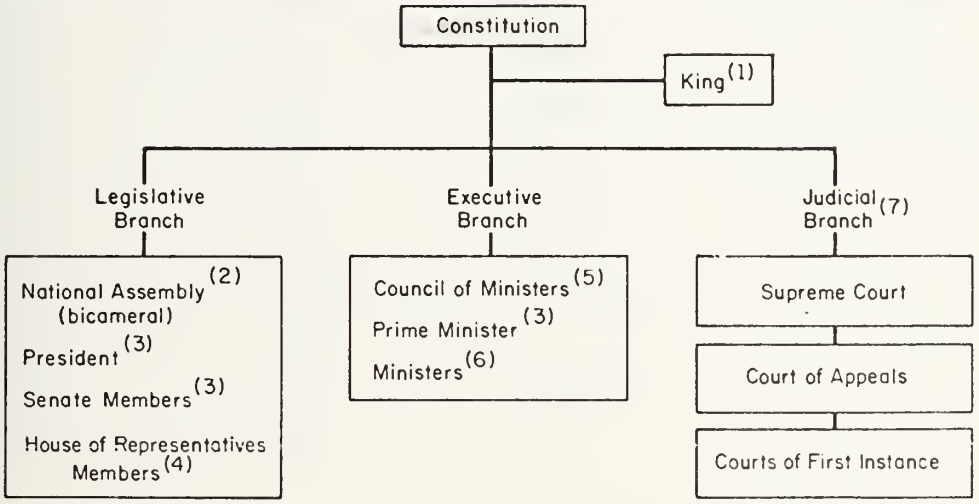
Changwad	Population			Number of Households	Average Annual Rate of Population Growth	Average Size of Household
	Total	Male	Female			
Kanchanaburi	321,000	162,000	159,000	57,000	3.22	5.6
Chanthaburi	211,000	107,000	104,000	37,000	2.94	5.7
Chachoengsao	338,000	167,000	171,000	61,000	0.48	5.5
Chon Buri	542,000	279,000	263,000	94,000	3.28	5.7
Chai Nat	256,000	124,000	132,000	47,000	0.45	5.4
Trat	94,000	48,000	46,000	17,000	3.53	5.4
Thon Buri	919,000	454,000	465,000	147,000	5.08	6.2
Nakhon Nayok	161,000	79,000	82,000	29,000	0.50	5.4
Nakhon Pathom	411,000	204,000	207,000	69,000	1.05	5.9
Nonthaburi	254,000	126,000	128,000	41,000	2.61	6.2
Pathum Thani	233,000	117,000	116,000	43,000	2.09	5.4
Prachuap Khirikhan	249,000	127,000	122,000	43,000	5.02	5.7
Prachin Buri	421,000	209,000	212,000	73,000	2.31	5.8
Phra Nakhon	2,132,000	1,051,000	1,081,000	325,000	3.06	6.5
Ayutthaya	501,000	243,000	258,000	94,000	0.46	5.3
Phetchaburi	278,000	136,000	142,000	51,000	1.60	5.4
Rayong	250,000	126,000	124,000	47,000	5.39	5.3
Ratchaburi	464,000	231,000	233,000	86,000	1.22	5.4
Lop Buri	433,000	218,000	215,000	75,000	2.58	5.7
Samut Prakan	325,000	162,000	163,000	52,000	3.33	6.2
Samut Songkhram	159,000	76,000	83,000	27,000	-0.23	5.7
Samut Sakhon	158,000	77,000	81,000	26,000	-0.48	6.1

[89] 1970 Population and Housing Census, National Statistical Office, Office of The Prime Minister.

Changwad	Population			Number of Households	Average Annual Rate of Population Growth	Average Size of Household
	Total	Male	Female			
Saraburi	342,000	172,000	170,000	63,000	1.22	5.4
Sing Buri	162,000	79,000	83,000	30,000	0.45	5.3
Suphan Buri	561,000	272,000	289,000	99,000	1.34	5.6
Ang Thong	217,000	105,000	112,000	39,000	0.93	5.5
CENTRAL REGION	10,392,000	5,151,000	5,241,000	1,772,000	2.31	5.8
Kalasin	573,000	276,000	297,000	86,000	2.99	6.6
Khon Khaen	1,025,000	511,000	514,000	168,000	1.96	6.0
Chaiyaphum	626,000	312,000	314,000	108,000	2.55	5.7
Nakhon Phanom	561,000	277,000	284,000	97,000	2.53	5.7
Nakhon Ratchasima	1,547,000	785,000	762,000	218,000	3.52	7.1
Buri Rum	797,000	396,000	401,000	131,000	3.17	6.0
Maha Sarakham	613,000	300,000	313,000	95,000	2.08	6.4
Roi Et	780,000	383,000	397,000	128,000	1.56	6.0
Loei	326,000	166,000	160,000	54,000	4.45	6.0
Si Sa Ket	790,000	387,000	403,000	132,000	2.77	6.4
Sakon Nakhon	598,000	298,000	300,000	99,000	3.43	6.0
Surin	747,000	367,000	380,000	123,000	2.53	6.0
Nong Khai	442,000	221,000	221,000	74,000	5.58	5.9
Udon Thani	1,118,000	562,000	556,000	179,000	4.16	6.2
Ubon Ratchathani	1,480,000	735,000	745,000	239,000	2.73	6.1
NORTHEASTERN REGION	12,023,000	5,976,000	6,047,000	1,922,000	2.95	6.2
Kamphaeng Phet	333,000	167,000	166,000	58,000	6.73	5.7
Chiang Rai	1,086,000	551,000	535,000	193,000	2.96	5.6
Chiang Mai	1,024,000	518,000	506,000	178,000	2.52	5.7
Tak	217,000	106,000	111,000	39,000	2.60	5.6
Nakhon Sawan	758,000	377,000	381,000	135,000	1.59	5.6

Changwad	Population			Number of Households	Average Annual Rate of Population Growth	Average Size of Household
	Total	Male	Female			
Nan	310,000	155,000	155,000	52,000	2.55	5.9
Phichit	440,000	217,000	223,000	78,000	1.23	5.6
Phitsanulok	492,000	244,000	248,000	88,000	3.41	5.5
Petchabun	513,000	252,000	261,000	96,000	4.83	5.3
Phrae	365,000	182,000	183,000	68,000	2.00	5.3
Mae Hong Son	104,000	53,000	51,000	21,000	2.56	5.0
Lampang	616,000	308,000	308,000	114,000	2.71	5.4
Lamphun	318,000	160,000	158,000	59,000	2.45	5.3
Sukhothai	394,000	194,000	200,000	73,000	2.23	5.4
Uttaradit	321,000	161,000	160,000	57,000	2.13	5.6
Uthai Thani	177,000	87,000	90,000	33,000	1.98	5.3
NORTHERN REGION	7,468,000	3,732,000	3,736,000	1,342,000	2.70	5.5
Krabi	148,000	76,000	72,000	25,000	4.70	5.8
Chumphon	235,000	130,000	105,000	41,000	2.98	5.8
Trang	326,000	162,000	164,000	55,000	3.10	5.9
NakhonSiThammarat	927,000	458,000	469,000	148,000	2.41	6.2
Narathiwat	326,000	163,000	163,000	66,000	2.06	4.9
Pattani	330,000	165,000	165,000	67,000	1.59	4.9
Phang-nga	135,000	71,000	64,000	23,000	3.84	5.8
Patthalung	298,000	148,000	150,000	54,000	2,48	5.5
Phuket	100,000	50,000	50,000	16,000	2.84	6.2
Yala	199,000	100,000	99,000	41,000	2.92	4.8
Ranong	59,000	31,000	28,000	10,000	4.71	5.7
Songkhla	621,000	310,000	311,000	124,000	2.18	4.9
Satun	131,000	62,000	69,000	21,000	6.51	6.2
Surat Thani	434,000	217,000	217,000	77,000	2.90	5.6
SOUTHERN REGION	4,269,000	2,143,000	2,126,000	768,000	2.70	5.5
WHOLE KINGDOM	34,152,000	17,002,000	17,150,000	5,804,000	2.66	5.8

APPENDIX C: CONSTITUTIONAL STRUCTURE OF THAILAND IN 1970[90]



(1) The king is nominal head of state. Legislative, executive and judicial powers are exercised in the name of the king.

(2) Legislative body. President of the National Assembly is also president of the Senate.

(3) Appointed by the king.

(4) Directly elected by popular franchise.

(5) The Council of Ministers is also the cabinet, which is independent of the legislative branch, and its members are enjoined from concurrently being a member of the National Assembly. All laws, royal rescripts, and royal commands must be countersigned by the prime minister.

(6) Chosen by the prime minister and appointed by the king.

(7) Judges chosen by the Judicial Service Commission and appointed by the king.

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[90]John W. Henderson., and others, *op. cit.*, p. 170.

APPENDIX D: UNEMPLOYED PERSONS BY AGE GROUP AND SEX, WHOLE KINGDOM 1969[91]

TOTAL	WORKED PREVIOUSLY	NEVER WORKED	AGE GROUP AND SEX
39,000	9,600	29,400	Total Both Sesk
31,700	7,900	23,800	Male
500	-	500	11 - 14 Years
15,400	1,200	14,200	15 - 19 Years
8,200	1,000	7,200	20 - 24 Years
2,500	900	1,600	25 - 29 Years
2,000	1,800	200	30 - 34 Years
800	800	-	35 - 39 Years
1,700	1,600	100	40 - 49 Years
600	600	-	50 - 59 Years
-	-	-	60 Years & Over
7,300	1,700	5,600	Female
200	-	200	11 - 14 Years
2,000	400	1,600	15 - 19 Years
3,600	600	3,000	20 - 24 Years
1,100	500	600	25 - 29 Years
200	100	100	30 - 34 Years
-	-	-	35 - 39 Years
200	100	100	40 - 49 Years
-	-	-	50 - 59 Years
-	-	-	60 Years & Over

[91]Unemployed Persons Statistics, 1969, National Statistical Office, Office of The Prime Minister.

APPENDIX E: NUMBER OF EMPLOYEES AND AVERAGE MONTHLY WAGE RATES BY INDUSTRIES AND OCCUPATION, BANGKOK 1971[92]

Number of Employees	Average (Bahts)* Manufacturing Median	Manufacturing Monthly Wage Rates	Commerce Median	Commerce Monthly Wage Rates	Service Median	Service Monthly Wage Rates	Occupation
253	3,000	3,039	3,075	4,648	2,242	2,264	Office Supervisor (General)
199	2,600	2,853	2,400	2,620	1,800	1,869	Secretary
369	850	972	900	970	800	856	Typist
1,337	1,350	1,779	1,255	1,509	1,000	1,282	Book-keeper
339	1,400	1,926	950	1,268	1,200	1,425	Cashier (Office)
448	907	950	650	668	600	656	Messenger
124	950	1,104	1,100	1,181	750	762	Telephone Switchboard Operato
2,231	1,100	1,266	1,125	1,290	850	969	Office clerk, General
1,545	600	600	500	546	425	466	Janitor
1,294	875	940	800	903	600	613	Watchman
1,801	1,200	1,420	1,080	1,304	1,050	1,214	Mechanic-Repairman
297	1,200	1,253	1,788	1,509	950	1,084	Electrician, General
216	950	1,375	2,500	2,040	700	847	Electrician, Maintenance
956	900	948	975	1,039	800	813	Larry and Van Driver
468	975	1,032	900	953	840	900	Chauffuer
5,956	600	704	800	847	425	414	Labor, Heavy Physical Work

* 20 Bahts equal $1

[92] Average Monthly Wage Rates Statistics, 1971, Department of Labor, Ministry of Interior.

APPENDIX F: WORK STOPPAGES, 1962-1971[93]

YEAR	NUMBER OF WORK STOPPAGES	WORKER INVOLVED	MANDAYS LOST	Average WORKER INVOLVED	DURATION	Average MANDAYS LOST
1962	3	81	63	27	1	21
1963	4	118	159	29	1	40
1964	6	300	539	50	2	90
1965	17	3,753	6,566	221	2	327
1966	17	5,413	18,764	318	2	1,075
1967	2	470	470	235	1	235
1968	14	1,867	3,216	133	1	230
1969	18	5,345	23,593	297	4	1,311
1970	25	2,888	6,004	115	1	240
1971	27	5,153	12,646	191	2	468

[93]Work Stoppages Statistics 1962-1971, Department of Labor, Ministry of Interior.

APPENDIX G: NUMBER OF WORK STOPPAGES AND WORKERS INVOLVED BY MONTH IN BANGKOK, JANUARY 1 - DECEMBER 31, 1973[94]

MONTH	NUMBER OF WORK STOPPAGES	NUMBER OF WORKERS INVOLVED
January	5	1,902
February	6	1,305
March	4	702
April	7	300
May	5	544
June	3	282
July	19	3,606
August	59	26,052
September	29	7,416
October	10	3,190
November	49	34,056
December	199	68,433
TOTAL	395	147,708

[94]Work Stoppages Statistics 1973, Department of Labor, Ministry of Interior.

APPENDIX H: EMPLOYED PERSONS BY WORK STATUS AND OCCUPATION, WHOLE KINGDOM 1969[95]

Occupation	Total	WORK STATUS					
		Employer	Gov't Employee	Private Employee	Own Account Worker	Unpaid Family Worker	Unknown
Total	17,157,000	193,400	600,800	1,468,900	5,350,600	9,537,200	6,100
Professional, Technical & Related Workers	242,900	1,000	168,900	63,300	8,100	1,400	200
Administrative, Executive & Managerial Workers	109,500	23,600	27,400	39,500	13,400	25,000	700
Clerical Workers	198,200	200	122,800	73,200	200	1,600	200
Sales Workers	1,323,500	37,500	700	87,000	704,700	493,500	100
Hawkers, Pediars & Newsboys	194,400	900	-	3,700	160,700	29,100	-
Other Sales Workers	1,129,100	36,600	700	83,300	544,000	464,400	-
Farmers, Fishermen, Hunters, Loggers and Related Workers Miners, Quarrymen & Related Workers	13,609,400	83,500	11,100	388,100	4,220,800	8,901,800	4,100

[95] 1969 Labor Force Survey, National Statistical Office, Office of The Prime Minister.

Occupation	Total	WORK STATUS					
		Employer	Gov't Employee	Private Employee	Own Account Worker	Unpaid Family Worker	Unknown
Workers in Transport and Communication Occupation	280,500	8,500	52,000	102,200	109,700	8,100	-
Craftsmen, Production-Process Workers and Labourers, n.e.c.	1,086,500	33,900	93,000	593,700	250,800	113,900	1,200
Tailors, Dressmakers & Related Workers	157,500	4,900	800	43,500	83,600	53,400	100
Carpenters & Related Workers	92,400	9,500	3,600	64,700	11,000	2,500	1,100
Food Process & Beverage Workers	63,600	2,600	900	21,200	15,700	23,200	-
Labourers	3,100	-	2,200	600	200	100	-
Other Craftsmen & Production-Process Workers	769,900	16,900	85,500	463,700	140,300	63,500	-
Service, Sport & Recreation Workers	303,700	5,200	106,500	146,900	37,800	7,300	-
Workers Not Classifiable by Occupation	2,800	-	100	200	-	2,300	200

APPENDIX I: REGISTERED EMPLOYEES' ASSOCIATIONS IN THAILAND, 1974[96]

No.	Associations	No. of Employees
1.	Association of Transportation and Export Workers.	1,200
2.	Thai Railway Employees' Association.	200
3.	Metropolitan Electricity Employees' Association.	1,500
4.	Association of Sea Transportation Employees.	2,000
5.	Glass Factory Labors' Association.	400
6.	Metropolitan Teachers' Association.	250
7.	Smutpragarn Iron Factory Labors' Association.	700
8.	Association of Botan Fabric Factory Workers.	500
9.	Association of Esso Refinery Factory Employees.	90
10.	Association of Air Transportation and Service.	1,300
11.	Liver Brother Company Workers' Association.	450
12.	Smutpragarn Fabric Industry Employees' Association.	800
13.	Association of Gunny Sack Factory Workers.	50
14.	Seaport Labors' Association.	43
15.	Hotel and Apartment Employees' Association.	300
16.	Buss Workers' Association.	56
17.	Samutsakorn Fabric Industry Workers' Association.	250
18.	Supanburi Sugar Factory Workers' Association.	313

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[96]Records of The Department of Labor, Ministry of Interior, February 7, 1974.

No.	Association	No. of Employees
19.	Samut Pragarn Food Industry Employees' Association.	90
20.	Liver Employees' Association.	400
21.	Association of Corrugated Iron Sheet Factory Labors.	100
22.	Machine Production and Repair Workers' Association.	50
23.	Samutpragarn Plywood Industry Employees' Association.	35
24.	Association of Tobacco Factory Workers.	600
25.	Transportation Bureau Organization Workers' Association.	350
26.	Teacher Council Enterprise Workers' Association.	834
27.	Association of Gasoline and Petroleum Workers.	113
28.	Teyin Company Employees' Association.	84
29.	Association of Diethalm Company Employees.	22
	TOTAL	11,980

APPENDIX J: BANGKOK CONCILIATION CASES AND NUMBER OF WORKERS INVOLVED STATISTICS 1962-71[97]

Number of Conciliation Cases										ISSUES INVOLVED
1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	
379	372	344	361	432	396	533	769	655	698	Total
245	266	184	197	219	194	264	251	249	249	Dismissal pay
93	55	50	75	108	135	175	334	277	316	Wages
1	3	–	3	4	–	1	3	3	2	Accumulative fund
7	5	1	10	17	5	7	13	6	9	Damage deposit
–	4	89	60	52	30	24	41	17	25	Overtime
2	–	3	5	–	–	3	2	2	–	Discrimination
23	37	16	1	–	2	1	–	–	–	Reinstatement
–	–	–	–	–	2	–	–	–	–	Medical care
–	–	1	–	23	26	50	117	95	96	Two or more issues combined
8	2	–	10	9	2	8	8	6	1	Other

[97] Conciliation Cases and Number of Workers Involved Statistics 1962-1971 Department of Labor, Ministry of Interior.

NUMBER OF WORKERS INVOLVED BY MAJOR ISSUES

Number of Workers Involved										ISSUES INVOLVED
1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	
8,320	2,084	1,610	751	771	1,183	1,718	3,187	1,667	2,590	**Total**
616	616	420	287	321	263	409	562	507	613	Dismissal pay
238	1,202	86	146	275	586	711	1,190	907	1,656	Wages
1	3	–	3	7	–	4	3	3	2	Accumulative fund
359	8	1	14	34	6	11	21	12	11	Damage deposit
–	7	882	259	74	272	145	197	40	64	Overtime
69	–	72	25	–	–	51	101	15	–	Discrimination
30	246	49	1	–	–	1	–	–	–	Reinstatement
–	–	–	–	–	2	–	–	–	–	Medical care
–	–	100	–	46	42	367	1,069	177	243	Two or more issues combined
7,007	2	–	16	14	12	19	44	6	1	Other

APPENDIX K: ANNOUNCEMENT OF THE MINISTRY OF INTERIOR CONCERNING LABOUR RELATIONS, April 16, 1972

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20. No employer shall resort to lockout and no employee shall resort to strike in the following cases:

(1) When no notification of demand on the other party under Section 4 has been made, or, after such notification has been made the labour dispute has not become unsettled as provided in Section 14(1);

(2) When the party which has the obligation to comply with the agreement as provided in Section 11 has done so;

(3) When the party which has the obligation to comply with the agreement brought about by the Conciliation Officer as provided in Section 13 has complied accordingly;

(4) When the party which is obliged to comply with the decision of the arbiter appointed under Section 14(1) has complied with such decision.

21. No employer shall resort to lockout and on employee shall resort to strike in the following undertakings:

(1) railways:

(2) ports and harbours;

(3) generation and distribution of power or electric current to the public;

(4) telephone and telecommunications;

(5) water works;

(6) fuel oil production and refinery;

(7) other activities as specified by the Ministry of Interior.

22. When the Minister finds that a lockout or strike may cause severe damage to the national economy, severe public inconvenience, or may imperil the security of the nation, or may affect the public peace and order, he shall have the following powers:

(1) to order the employer who has resorted to the lockout to readmit the employees to work at the same wage scales which previously prevailed;

(2) to order resumption of work by the striking employees;

(3) to provide persons to work in place of the locked-out or striking employees, in which case the employer shall allow such persons to work and no employee shall not obstruct them. The employer shall pay them at the same wage scales as the former employees; and

(4) to order the Labour Relations Commission to take steps to arbitrate the labour dispute.

23. In the event of a proclamation of martial law or declaration of a state of emergency under the law on administration in times of emergency, the Minister shall have the power to publish in the Government Gazette a notification prohibiting any lockout and strike in all or in any specific area in which the martial law or state of emergency is declared.

In case of existence of lockout or strike prior to the notification made under the first paragraph, the Minister shall be empowered to order the employer who resorted to the lockout to readmit the employees to work, or to order the striking employees to resume work within a period of time fined by the Minister.

The notification of the Minister as specified in the first paragraph may be revoked at any time by a notification published in the Government Gazette.

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